

REMARKS

The Examiner has rejected the application on various bases. In response thereto, Applicant has amended the application so as to overcome the rejections of the Examiner. Care has been taken not to introduce any new matter into the application.

The Examiner has rejected claim 33 under 35 U.S.C. §112, first paragraph. Additionally, the Examiner has rejected claims 33 and 45-48 under 35 U.S.C. §112, second paragraph. Applicant submits that all of the claims have been cancelled and new claims have been introduced in their place. As such, these rejections are deemed moot.

The Examiner has rejected claims 29-36, 38, 40 and 41 under 35 U.S.C. §102(b) based on the contention that they are anticipated by U.S. Pat. No. 5,265,753 issued to Moorman. Additionally, the Examiner has rejected claim 37 under 35 U.S.C. §103(a) based on the contention that it is unpatentable over the '753 patent in further view of U.S. Pat. No. 4,815,631 issued to Eeg et al. The Examiner has further rejected claims 39, 42 and 45-48 under 35 U.S.C. §103(a) based on the contention that it is unpatentable over the '753 patent in further view of U.S. Pat. No. 6,637,623 issued to Muise. The Examiner has further rejected claims 43 and 44 under 35 U.S.C. §103(a) based on the contention that it is unpatentable over the '753 patent in further view of U.S. Pat. No. 5,826,752 issued to Latimer.

Applicant submits that the newly added claims 49 through 62 define over the prior art of record. Specifically, the newly added independent claim 49 specifically claims an outer carton and a bag positioned within the outer carton and a collar interfacing between the two structures. The collar has a tray and a rim upstand encircling portions of the tray. A flange extends from the rim upstand on the end opposite the tray. The tray and the rim upstand are inserted into the carton and the flange catches the carton opening so as to stop the collar and to keep the collar

from extending further into the carton.

The tray additionally includes an opening and the collar of the bag interfaces with this opening. Advantageously, the collar can be inserted from the outside of the carton – after articulation of the carton. Additionally, the tray is positioned within the cavity of the container and, as such, there is a recessed space for the spout of the bag. This allows for the cartons not only to be easily assembled, but also allows for vertical stacking of a plurality of boxes.

None of the prior art references disclose or suggest such a construction. For example, the '753 patent does not disclose any such collar member which has a flange as is claimed. Whereas the collar of the present invention facilitates the coupling of the outer carton with the inner bag after the carton is assembled and from the outside, the '753 includes components which are within the carton and which are coupled to the carton during formation of the carton.

Other references similarly do not have the collar member and the particular structural features of the collar member that allow for ease of insertion and assembly. The '623 reference, for example, includes a saddle that is integrally formed with the box during construction. As such, it is not possible to provide the bag and the saddle after formation of the box.

To the contrary, with the claimed collar member, the bag can be coupled to the collar member and then the bag can be inserted through the carton opening into a fully formed outer carton. Subsequently, the collar can be properly inserted into the carton opening until the flange engages the outer carton and precludes further insertion into the outer carton. Such a post carton assembly has vast advantages.

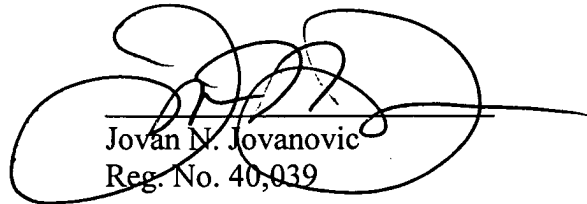
Accordingly, Applicant submits that the rejections of the prior art have been overcome with the newly introduced claims. As such, the claims 49 through 62 should be deemed allowable at the present time. Reconsideration is therefore respectfully solicited.

Applicant respectfully requests a two month extension of time. A PTO-2038 has been included for any fee associated with the two month extension of time.

Should anything further be required, a telephone call to the undersigned at (616) 797-1000 is respectfully solicited.

Respectfully submitted,

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